

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MOISES MATIAS on his own behalf and on
behalf of all others similarly situated,

Plaintiff,

ANSWER

-against-

08 Civ. 1203 (CLB)

VANGELDEREN SERVICES INC.,

Defendant.

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Defendant, VANGELDEREN SERVICES, INC., by and through its attorneys,
Jones Garneau, LLP, as and for its Answer to Plaintiff's Complaint, alleges and avers as
follows:

1. Denies knowledge and information sufficient to form a belief as to each
and every allegation contained in paragraph "1" of the complaint and respectfully refers
questions of law to the Court.
2. Denies knowledge and information sufficient to form a belief as to each
and every allegation contained in paragraph "2" of the complaint except denies that there
was a violation of 15 U.S.C. §1692 and respectfully refers questions of law to the Court.
3. Denies knowledge and information sufficient to form a belief as to each
and every allegation contained in paragraph "3" of the complaint and respectfully refers
questions of law to the Court
4. Denies knowledge and information sufficient to form a belief as to each
and every allegation contained in paragraph "4" of the complaint except admits a
collection letter was sent.
5. Admits the allegations contained in paragraph "5" of the complaint.

6. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “6” of the complaint and respectfully refers questions of law to the Court.

7. Denies each and every allegation contained in paragraph “7” of the complaint and respectfully refers questions of law to the Court.

8. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “8” of the complaint and respectfully refers questions of law to the Court.

9. Denies that defendant violated the Fair Debt Collection Protection Act, denies knowledge and information sufficient to form a belief as to all other allegations contained in paragraph “9” of the complaint and respectfully refers questions of law to the Court.

10. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “10” of the complaint and respectfully refers questions of law to the Court.

11. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “11” of the complaint.

12. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph “12” of the complaint.

13. Denies defendant retained the proceeds of any alleged “ill-gotten gains” and denies knowledge and information sufficient to form a belief as to all other allegations contained in paragraph “13” of the complaint.

14. Denies knowledge and information sufficient to form a belief as to each and every allegation contained in paragraph "14" of the complaint.

15. Denies each and every allegation contained in paragraph "14" of the complaint except admits defendant mailed plaintiff a collection letter dated January 11, 2008 demanding payment of a debt owed by plaintiff to Community Hospital of Dobbs Ferry.

16. Defendant repeats and reiterates each and every allegation contained in the foregoing paragraphs of this Answer with the same force and effect as if hereinafter set forth at length.

17. Denies each and every allegation contained in paragraph "17" of the complaint.

18. Denies each and every allegation contained in paragraph "18" of the complaint.

19. Denies each and every allegation contained in paragraph "19" of the complaint.

FIRST AFFIRMATIVE DEFENSE

20. Plaintiff's claims fail to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

21. Plaintiff's claims are barred by the statute of limitations.

THIRD AFFIRMATIVE DEFENSE

22. Any actions by Plaintiff were in not intentional non-compliance with the Fair Debt Collection Act.

FOURTH AFFIRMATIVE DEFENSE

23. Any actions by Plaintiff were not in persistent disregard of the Fair Debt Collection Act.

FIFTH AFFIRMATIVE DEFENSE

24. Plaintiff's action does not satisfy the procedural prerequisites of Federal Rules of Civil Procedure 23(a).

SIXTH AFFIRMATIVE DEFENSE

25. Plaintiff cannot demonstrate that a class action lawsuit is maintainable under Federal Rules of Civil Procedure 23.

JURY DEMAND

26. Defendant demands a trial by jury.

Dated: March 13, 2008
Scarsdale, New York



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